IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE SW/Corner Dunmore and Rannoch * DEPUTY ZONING COMMISSIONER Rannoch Drives (6 Dunmore Drive) * OF BALTIMORE COUNTY lst Election District lst Councilmanic District * Case No. 91-225-A Gary D. Stewart, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

Petitioners

The Petitioners herein request a variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed two story addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 6 Dunmore Drive, consists of 0.1755 acres zoned D.R. 5.5 and is improved with a twostory single family dwelling which has been Petitioners' residence for the past two years. Petitioners are desirous of constructing a two-story addition on the rear of the property to expand the existing kitchen on the first floor and expand a bedroom and add a bathroom on the second floor. Testimony indicated the proposed addition will be constructed of a design and materials similar to the existing dwelling and will be compatible with the surrounding neighborhood. Testimony indicated the relief requested will not result in any detriment to the health, safety and general welfare of the community.

An area variance may be granted where strict application of the Coming regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 whether strict compliance with requirement would unreasonably prevent the use of the property for

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ____1B02.3.C.1 to permit a rear yard setback of 24 feet in lieu of the required 30 ft.

. D.-----

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition. Legal Owner(s): Mr. Gary D. Stewart (Type or Print Name)

Mrs. Kathleen M. Stewart (Type or Print Name) Cathleen M. Situat (W) 455-9769 #6 Dunmore Drive (H) 788-6768

Baltimore, MD 21228 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State Attorney's Telephone No.: _____ ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _______, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

(-11.2 HR.) Zoning Commissioner of Baltimore County. permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

 whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS, ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of February, 1991 that the Petition for Zoning Variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed two-story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

KIDDE CONSULTANTS, INC.

91-225-A

The variance is required to allow construction of an addition to expand the existing kitchen on the first level and to enlarge a bedroom and add a bath on the upper level. The existing kitchen is a 9X7 and original from when the house was constructed in the early 40's, it is in desperate need of modernization and expansion. Due to the fact that we live on a corner lot subject to stringent street setbacks in front and on one side, the building envelope is greatly reduced not allowing for expansion that is typical with that of other lots in this subdivision.

Justification Statement

The house currently has only one small bathroom and three small bedrooms. The addition would allow us to enlarge one room for our growing family and add the bathroom we need. We will outgrow the current space within a year.

We are very satisfied with the neighborhood and can not afford to relocate being a young and growing family. We plan to occupy this home ourselves for many years but feel these improvements are necessary to remain here comfortably.

Upon review of the record plat for this area you can see this lot is one of the most shallow in the subdivision not allowing for typical expansion to the rear as easily as ninety percent of the other lots in this development. Also driving through the neighborhood it is readily noticed the amount of modifications to the existing structures previously constructed to accommodate floor space needs. We feel we should be allowed the same usable floor space and lot coverage afforded other homes within this neighborhood.

Respectfully,

Hay D. Stewart

Kathleen M. Stewart Kathlen M Surrant 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

> Deputy Zoning Commissioner for Baltimore County

> > 91-225- A

Zoning Description

Beginning at a point on the south side of Rannoch Drive,

as laid out fifty (50) feet wide at the intersection of said

Rannoch Drive with the west side of Dunmore Drive, also laid

out fifty (50) feet wide said streets connected by a fillet

having a radius of 25.00 feet for an arc length of 44.44; Being

Lot 62 as shown on a plat of subdivision entitled "Plat No. 1,

Maryland in Platbook 12, Folio 103. Containing 7,643.71 square

located in the First Election District.

DUNMORE", as recorded among the land records of Baltimore County,

feet or 0.1755 acres of land. Also known as #6 Dunmore Drive and

13992 Baltimore Avenue

Laurel, MD 20707 (301) 953-1821

(301) 792-8086

NOTICE OF HEARING The Zoning Commissioner of The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Petition for Zoning Variance Case number: 91-225-A SWC Dunmore & Rannoch Dr. 6 Dunmore Drive 1st Election District 1st Councilmanic Petitioner(s): Gary D. Stewart, et ux Variance: to permit a rear yard setback of 24 feet in lieu of the re-

C/J/1/025 Jan. 3.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

ed in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of _____ successive weeks, the first

5. Zehe Olm
Publisher

\$ 5307

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204

Petition for Zoning Variance Case number: 91-225-A SWC Dunmore & Rannoch Dr. 6 Dunmore Drive 1st Election District Variance: to permit a rear yard CERTIFICATE OF PUBLICATION

1-10 1991 TOWSON, MD... THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of_ weeks, the first publication appearing on _____/____

THE JEFFERSONIAN.

5. Zehe Olan Fublisher

\$ 53.07

J. ROBERT HAINES

C/J/1/025 Jan. 3.

ENG NEERO ★ PLANKORS ★ OLF (6 × 195)

Mr. & Mrs. Gary D. Stewart 6 Dunmore Drive Baltimore, Maryland 21228 RE: PETITION FOR ZONING VARIANCE SW/Corner Dunmore and Rannoch Drives

1st Election District - 1st Councilmanic District

Gary D. Stewart, et ux - Petitioners

February 15, 1991

Case No. 91-225-A Dear Mr. & Mrs. Stewart:

(6 Dunmore Drive)

111 West Chesapeake Avenue

Towson, MD 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, 1 _ MN_Lane

> > ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

887-3353

AMN:bjs

cc: People's Counsel

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish-

CATONSVILLE TIMES

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this

Contract Purchaser: (Type or Print Name)

City and State

Attorney for Petitioner: (Type or Print Name)

91-225-A CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

gary D. Stewart it up Location of property: 5 1 / corner Dunmore and Rannock Brines 6 Dunmore Drine Location of Signs: In front of # 6 Dunmore Drine

Number of Signs: ___

H9100178

04A04#3095MICHRC BA C011:24AM10-26-90

Zoning Commisioner County Office Building

111 West Chesapeuke Avenue owson, Maryland 21204

1 25/90

PUBLIC HEARING FEES OF PERMINE MARGANCE (THE)

LAST NAME OF OWNER: STEWART

Please make checks payable to: Baltimore County

76TAL: ₹35.00

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

January 29, 1991

Mr. & Mrs. Gary D. Stewart #6 Dunmore Drive Baltimore, MD 21228

RE: Item No. 178, Case No. 91-225-A Petitioner: Gary D. Stewart, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Stewart:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Very truly yours,

JED:jw

Enclosures

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 FUSEIC MEARINE FEEA OBO -FOSTING SIGNS ADVERTISHING 1 1 70.879 - Januar LAST MAME OF OWNERS ETCHART 0-A0-A0121810HRC புள்ளைய் உடம். மாக்ட் Please Make Checks Payable To: Baltimo≠e Count 10 பூர் 5 25 எப்பேர் - 9 1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 14th day of November, 1990.

ZONING COMMISSIONER

Received By:

Petitioner: Gary D. Stewart, et ux Petitioner's Attorney: Gary D. Stewart Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

DATE: 1/25/91

Mr. & Mrs. Gary D. Stewart 6 Dummore Drive Baltimore, Maryland 21228

SWC Dunmore and Rannoch Drives 6 Dunmore Driuve Ist Election District - Ist Councilmanic Petitioner(s): Gary D. Stewart, et ux HEARING: THURSDAY, FEBRUARY 7, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that $\frac{78.07}{}$ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: December 3, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166 Earlie E. and Linda R. Towe, Item No. 170 Roland H. and Darlene Farlow, Item No. 171 Kwan Woo Lee, Item No. 173 Harry E. Belsinger, et al., Item No. 175 Gary D. and Kathleen M. Stewart, Item No. 178 Dale A. and Cheryl Poletynski, Item No. 181 Bruce D. and Mary V. Frith, Item No. 182 Eileen C. Misler, Item No. 183 William M. and Constance M. Pitcher, Item No. 185 Key Federal Savings Bank, Item No. 186 Stephen D. and Wendy K. Mooney, Item No. 189 Brian D. and Tulia Briscoe, Item No. 193 Charles Henry and Vickie Jean Wallis, Item No. 195 Sharon Piaskowski, Item No. 196 Gary E. Stahl, Item No. 199 Keith E. and Terri L. Yeager, Item No. 201 Robert E. and Deborah L. Jennings, Item No. 202

Gloria P. Brown, Item No. 203 Robert E. and Karen F. Ege, Item No. 207 Javad Darbandi, Item No. 208 Thomas D. and Jeannette Considine, Item No. 209 Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSMUL.TPL/ZAC1

December 17, 1990

111 West Chesapeake Avenue

Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

Case Number: 91-225-A SWC Dummore and Rannoch Drives 6 Dunmore Driuve 1st Election District - 1st Councilmanic Petitioner(s): Gary D. Stewart, et ux HEARING: THURSDAY, FEBRUARY 7, 1991 at 2:00 p.m.

Variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Gary D. Stewart

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

November 28, 1990

Dennis F. Rasmussen

887-3353

Dear Mr. Haines:

Mr. J. Robert Haines

Zoning Commissioner

Towson, MD 21204

County Office Building

The Bureau of Traffic Engineering has no comments for item numbers, 170, 172, 175, 176, 178, and 180.

> Very truly yours, Traffic Engineer Associate II

MSF/lab

12/13/40

Bakimore County
Fire Department
TWO East Joppa Road, Suite 901
Towson, Maryland 2120-5300
(201) 887-5400

Paul H. Remoke
Conte County Office Building
Towson, MD 21204

RE: Froperty Owner: GARY D. STEWART
Location: #6 DUNMORE DRIVE
Item No.: 178 Zoning Agenda: NOVEMBER 13, 1990

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire shall comply with all applicable requirements of the National Fire shall comply with all applicable requirements of the National Fire shall comply with all applicable requirements of the National Fire shall comply with all applicable requirements of the National Fire shall comply with all applicable requirements of the National Fire shall comply with all applicable. CHAPTER 22

REVIEWER: Lattice May 1-70 Approved Fire Frevention Bureau Special Inspection Division

BALTIMORE COUNTY, MARYLAND received INTER-OFFICE CORRESPONDENCE NOVEMBER 5, 1990 J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES ZONING ITEM #: 178
PROPERTY OWNER: GARY D. STEWART. et ux LOCATION: SWC Dunmore & Rannoch Drives (#6 Dunmore Drive) ELECTION DISTRICT: 1st COUNCILMANIC DISTRICT: 1st A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING: () PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE () RAMPS (degree slope) () PARKING LOCATION () CURB CUTS () NUMBER PARKING SPACES () SIGNAGE () BUILDING ACCESS () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS. () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE). (X) OTHER -PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900. THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88







